

Practitioner's Docket No. 1226a

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Charles William Norman

Application No.: 09/899,583

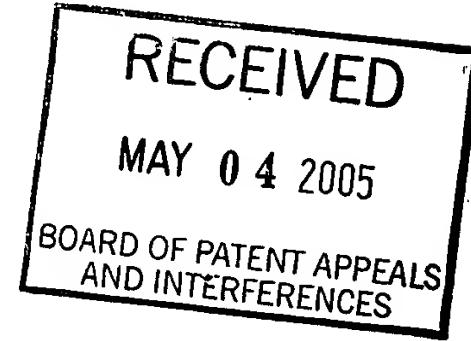
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Group No.: 2665

Examiner: Steven H. D. Nguyen

For: Method and System for Transporting a Secondary Communication Signal with a Primary Communication Signal

Mailstop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Reply Brief**

Appellant makes three points in reply to the Examiner's Answer.

1. The Examiner's Answer states that the Appellant's Appeal Brief "does not contain a statement identifying the related appeals and interferences." (See Examiner's Answer, Section 2). This statement is incorrect. On page 1, Appellant's Appeal Brief states:

Related Appeals and InterferencesThere are *no* related appeals or interferences." (emphasis added)

The above statement from the Appeal Brief appears to be explicit. Appellant will provide a more explicit statement if required by the Board.

2. The "Response to Argument" section of the Examiner's Answer (section 11) states with respect to the Appeal Brief:

"In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. receiving an original SDH/SONET signal, terminated overhead such RSOH/SOH and MSOH/LOH in the original SDH/SONET signal and transfer terminated overhead, so the original SDH/SONET signal can be replicated down stream) are not recited in the rejected claim(s)."

Thus, the Examiner's Answer asserts that Appellant is relying on unclaimed "features" to distinguish the prior art. The following table compares the exact text of the Appellant's argument from the Appeal Brief to the exact language of claim 41.

APPEAL BRIEF	CLAIM 41
Claims 41-42 and 44-45 require that a first adaptor assembly receive an SDH signal and terminate the RSOH and MSOH information in the SDH signal.	41. A method of operating a Synchronous Digital Hierarchy (SDH) system, the method comprising: <i>receiving a first SDH signal into a first adaptor assembly</i> , wherein the first SDH signal has regenerator section overhead information, multiplexer section overhead information, and a payload; <i>in the first adaptor assembly, terminating the regenerator section overhead information and the multiplexer section overhead information in the first SDH signal</i> ; (emphasis added)
The first adaptor assembly transfers the payload and the <i>terminated</i> RSOH and MSOH.	<i>transferring the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload from the first adaptor assembly</i> ; (emphasis added)
A second adaptor assembly receives the payload and the <i>terminated</i> RSOH and MSOH.	<i>receiving the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload into a second adaptor assembly</i> ; (emphasis added)
The second adaptor assembly generates another SDH signal having the payload and the <i>terminated</i> RSOH and MSOH.	<i>in the second adaptor assembly, generating a second SDH signal having the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload</i> ; and transferring the second SDH signal from the second adaptor assembly. (emphasis added)

Clearly, the limitations that the Appellant relies on in the Argument are present in claim 41.

The Appeal Brief then summarizes the claim limitations by stating:

“Thus, the invention receives an original SDH signal, terminates overhead in the original SDH signal, and transfers the terminated overhead, so the original SDH signal can be replicated downstream.”

Claim 41 clearly recites the steps of receiving the original SDH signal in a first assembly, terminating the overhead in the SDH signal, and transferring the terminated overhead. Claim 41 also recites, in a second assembly, generating and transferring a second SDH signal that has the overhead and the payload from the original SDH signal. The second SDH signal is a replication of the original SDH signal since both SDH signals have the same overhead and payload. The second assembly is downstream from the first assembly since it receives data that was transferred from the first assembly.

The Appeal Brief properly identifies the claim limitations that are relied on. Appellants could not find any of the unclaimed features that are referred to in the Examiner’s Answer. The assertion in the Examiner’s Answer that the Appellant is relying on unclaimed features is without merit.

3. The "Response to Argument" section of the Examiner's Answer also states that Furuta teaches the transfer of *terminated* overhead. This assertion is incorrect. The "Summary of the Invention" section of the Appeal Brief was deemed correct by the Examiner's Answer. This correct summary of the invention states:

"In SONET and SDH, a device "terminates" overhead by:
1) retrieving the overhead data from the overhead data fields, 2) processing the overhead data to facilitate network operations, 3) generating new overhead data, and 4) loading the new overhead data into the overhead data fields."

Furuta never mentions overhead *termination* or otherwise describes the operations that entail overhead *termination*. Furuta is directed to the location and inspection of the Path Overhead (POH). (See Furuta, column 1, lines 25-30). To inspect the POH, the Furuta system removes the Regenerator Section Overhead and Multiplexer Section Overhead (RSOH/MSOH) from the SDH signal, and after POH inspection, the Furuta system re-inserts the RSOH/MSOH back to the SDH signal. More specifically, interface 30a removes the RSOH/MSOH information from the SDH signal, and interface 30b adds the RSOH/MSOH information back to the SDH signal. (See Furuta, column 4, line 53 to column 5, line 24). In between interfaces 30a and 30b, the Furuta system locates and inspects the POH.

The sections of Furuta cited by the Examiner on overhead termination (Figures 12, 18-19; column 4, and lines 55-65) use arrows or the terms "extract" or "remove" to describe what happens to the overhead. In Furuta, the overhead is extracted and re-inserted, but extraction and reinsertion is not termination. The Examiner's Answer continuously and incorrectly equates extraction with termination, but the terms are not equivalent. Termination is different than extraction and entails much more than mere extraction.

If the extracted overhead were terminated in Furuta, then the extracted overhead would be processed to facilitate network operations, but Furuta does not teach such processing for the extracted overhead. If the extracted overhead were terminated in

Furuta, then new overhead data would be generated and loaded into the SDH signal, but Furuta does not teach any generation and loading of new overhead data. Furuta appears to teach the extraction and re-insertion of the *same, non-terminated* overhead data. As a result, Furuta does not teach the transfer of terminated overhead data.

For the sake of argument, assume that Furuta inherently teaches overhead termination. If the overhead data were terminated in Furuta, then *new* overhead data would be loaded into the SDH signal in the conventional manner. The *terminated* overhead data would *not* be loaded into the SDH signal, and thus, would not be transferred.

In either scenario, Furuta does not teach the transfer of terminated overhead data as claimed.



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